

TOWN OF COLUMBIA
ZONING BOARD OF APPEALS
THURSDAY, JANUARY 25, 2018 - 7:00 P.M.
ADELLA G. URBAN ADMINISTRATIVE OFFICES CONFERENCE ROOM
323 ROUTE 87, COLUMBIA, CT
REGULAR MEETING MINUTES

Members Present: Chair Joseph Narkawicz, Secretary Jeffery Vose, Carole Williamson, Keith Peck, William Petrone, Andrea Drabicki (Alternate)

Members Absent: Edward DiGiovanni (Alternate)

Staff Present: ZEO Constance Kisluk, and Board Clerk Terri Lasota

Others Present: Robert Cherrier, Dr. Brian King

CALL TO ORDER: J. Narkawicz called the meeting to order at 7:04pm

ROLL CALL (Designation of Alternates, as needed): None

CHANGES/ADDITIONS TO AGENDA: None

APPROVAL OF REGULAR MEETING MINUTES OF DECEMBER 21, 2017:

J. Vose **MOTIONED** to **APPROVE** the meeting minutes of 12/21/2017 as written;

A. Drabicki **SECONDED**. **MOTION CARRIED 6:0:0**

AUDIENCE OF CITIZENS (Comments on matters not on the Agenda)

SUSPEND REGULAR MEETING: The regular meeting was suspended at 7:05pm

CONTINUE PUBLIC HEARING:

1. **ZBA-1718-03:** Application of Brian King (owner), and Robert Cherrier (agent) for a Variance of Section 7.4 of the Columbia Zoning regulations to reduce the minimum rear yard setback requirement from 50 ft to 39 ft. The variance is requested to allow a detached garage/storage structure in the RA zone; at 9 Scalise Road, Columbia CT Assessor's Map 20 Lot #48

J. Narkawicz read the application into record, and Robert Cherrier briefly explained the application for reference purposes. The board members reviewed the various revised maps and new maps added to the application for clarification. C. Kisluk assisted in explaining the various maps and the location of the structure in relation to the wetlands and wetland review area. J. Narkawicz noted that there needs to be a hardship proven for a Variance.

R. Cherrier (agent) and builder explained that originally when they tried to place the building where it was originally permitted they found that it was impossible to access the garage bays. They subsequently reduced the size of the building and removed a 10 foot kick from the back of the structure included on the original plans and pushed the building back, confident that it was in the correct position. The engineer from Datum Engineering reviewed the site and plans and gave no feedback, so he assumed that everything was correct. Datum also provided no information to the town. The location and position of the structure is in the only place where it can be accessed because of the restrictions caused by the septic system and extensive wetlands. Mr. Cherrier stated although it is a 4.5 acre site, perhaps .5 acres of land is not impacted by the wetlands. Furthermore, elevation changes in the same location as much as 5 feet made positioning the building more difficult, requiring them to build within the septic reserve area.

C. Williamson asked R. Cherrier if he had looked at the back boundary and the paint marks on the trees. R. Cherrier said yes and went on to explain why he thought he knew where the boundary was. He feels there may be some discrepancy in the location of the boundary. He also stated that this whole situation could have been avoided because the as-built was called out on October 6, 2017. When Datum Engineering came out he understood they would send the work sheet to the town along with a letter, but town never received it and he didn't know anything was wrong. The permit was approved and construction began.

Carol Williamson reminded the room that she is recusing herself from the vote since she is an abutter.

A. Drabicki asked about the wetlands maps and C. Kisluk said she had marked them for the benefit of the board to know where the wetlands boundary is and where the 100 foot review area is since the old maps marked them at 75 feet which no longer applies. The current review area is 100 feet. A. Drabicki asked questions about the proposed plot plan and asked what drove Dr King to buying this property. Dr. King said liked the house and the neighborhood, and it is close to where he works.

C. Williamson reminded the board members that there needs to be a hardship; Mr. Cherrier said the hardship was due to the septic and wetlands location, and with the topographical issues.

J. Vose thanked R. Cherrier for the additional information on the application.

Carole Williamson **RECUSED** herself.
Andrea Drabicki was **SEATED** for Carole Williamson.

J. Vose **MOTIONED** to **CLOSE** the public hearing; K. Peck **SECONDED**. **MOTION CARRIED 5:0:0**
The public hearing was closed at 7:25pm.

RESUME REGULAR MEETING

NEW BUSINESS:

1. **ZBA-1718-03:** Application of Brian King (owner), and Robert Cherrier (agent) for a Variance of Section 7.4 of the Columbia Zoning regulations to reduce the minimum rear yard setback requirement from 50 ft to 39 ft. The variance is requested to allow a detached garage/storage structure in the RA zone; at 9 Scalise Road, Columbia CT Assessor's Map 20 Lot #48

J. Narkawicz and the members discussed the variance request and noted that it is not often to have a variance request when the structure is already built. He added the board has to make their decision based on the law which requires them to state specifically what the hardship is to grant a variance.

J. Vose said there was not a lot of area to build a structure and a variance still would have been needed. The members agreed. J. Narkawicz reminded the board members that they need to vote on the application based on the topography of the land along with the septic, well, and wetlands locations and they are not to base their votes on disappointment or financial loss.

J.Vose **MOTIONED to APPROVE** the application of Robert Cherrier on behalf of the property owner Dr. Brian King for a 11 foot variance of Section 7.4 of the Columbia Zoning Regulations for a reduced rear yard setback to 39 feet to allow a 25.1'x22.1' detached garage/storage building to remain where constructed at 9 Scalise Road, Columbia, CT, Assessor's Map 20, Lot 48 in the RA zone as shown on a plot plan, and statements made by the applicant due to the unusual hardship created by the wetlands, and the location of the existing septic and well on the site. K. Peck **SECONDED**. **MOTION CARRIED 5:0:0**

2. **Election of Officers**

B. Petrone **MOTIONED** to maintain the same slate and same positions
K. Peck **SECONDED**. **MOTION CARRIED 6:0:0**

UNFINISHED BUSINESS: None

BOARD OPEN DISCUSSION

1. Columbia Zoning Regulations Section 10 Overview and Draft Proposal

C. Williamson said she attended the PZC meeting regarding non conforming lots. C. Kisluk noted that the next PZC meeting is February 12, 2018. J. Narkawicz asked to be kept informed so that he could arrange to attend the next meeting. C. Kisluk explained the Exception/Permit Applications History handout which included the Yard Exception, Coverage Exception, and Decision. The board members discussed the proposed zoning regulations side yard and setback requirements, increased lot coverage based on the size of the lot, and how the formulas could be integrated into the building permit applications, eliminating some of the need for the ZBA approval process. The Board agreed to have further discussion after J. Narkawicz attends the next PZC meeting discussing the proposed changes.

CORRESPONDANCE: None

ADJOURNMENT:

J. Vose **MOTIONED to ADJOURN**; A. Drabicki **SECONDED. MOTION CARRIED 6:0:0**

The meeting was adjourned at 8:11pm

Respectfully submitted by Terri Lasota, Board Clerk

Please see the minutes of subsequent meetings for approval of these minutes and any corrections hereto.